

A Work Session of the Clarence Town Board was held on July 9, 2008 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 6:00 P.M. Members of the Town Board present were council members Joseph Weiss, Bernard Kolber, Patrick Casilio and Peter DiCostanzo. Other town officials present were Assistant Planner Brad Packard, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Director of Administration and Finance Pam Smith, Senior Building Inspector David Metzger and Planning Board Chairman Gerald Drinkard.

Assistant Director of Community Development – Brad Packard

Public Hearings:

Proposed Zoning Law Amendments

A Public Hearing is scheduled for 7:45 PM to consider an amendment to the Code of the Town of Clarence, Chapter 229 Zoning. The proposed amendments deal with the Open Space Design Overlay Section of the Zoning Law (Article 13). The amendments detail the requirements for designing an Incentive Lot Design Subdivision as a part of the Open Space Design Section. An incentive lot is a minimum 100' x 50' single-family lot and is allowed in a subdivision design that retains a minimum of 25% open space in the design.

Joanna Pickering 6020 Goodrich Road

A Public Hearing is scheduled for 7:50 PM to consider the designation of 6020 Goodrich Road as an historical structure in the Town of Clarence. The existing single-family residential home is located within the Clarence Center Traditional Neighborhood District on the west side of Goodrich Road, north of Clarence Center Road. Per the Historic Preservation Local Law, the Town Board has authority to designate historic landmarks.

Formal Agenda items:

Scheff Investments 9505 Main Street

Applicant is seeking approval to update existing façade of the office building at 9505 Main Street. The proposed site is located on the south side of Main Street, west of Gunnville Road in the Commercial Zone. Per the Zoning Law, the Town Board has authority to approve the architectural style of structure in the Commercial Zone. *(Councilman Casilio has a business relationship with Scheff Investments and will recuse himself from discussion of this project).*

Marita Haas 8100 Stahley Road

Applicant is proposing to subdivide the property to create (3) new residential building lots along the Stahley Road frontage. The proposed site is located on the east side of Stahley Road, north of County Road in the Swormville TND. A previously reviewed major subdivision was referred to the Planning Board. The applicant is reducing the proposal to splitting the frontage lots. A variance will be required to set any future homes back beyond the established front yard setback line. *(This project was previously introduced by Rocco Delgrosso at the May 28th Town Board meeting however, he has decided to back out of the project).*

Ken Loewer 9700 County Road

Applicant is proposing a small addition to the rear of existing building for the existing paving company. The proposed site is located on the north side of County Road, east of Goodrich Road in the Industrial Business Park Zone. The building material will match existing structure.

2008 Excavation Permits

Per the Excavation Law, a Public Hearing is required to consider the renewal of the following permits:

- 10001Grand Corporation
- Emeritus Holdings
- Buffalo Crushed Stone
- Lakeside Sod

Work Session items for consideration July 23, 2008

Clarence Wine and Spirits 10060 Main Street

Applicant is seeking preliminary concept approval to develop a commercial retail structure at 10060 Main Street. The proposed site is located on the north side of Main Street, west of Pine Ledge Drive on existing vacant land consisting of .55 acres with 80+/- feet of road frontage in the Commercial Zone. Per the Zoning Law, the Town Board has authority to approve uses in the commercial zone as to architectural style and functional plan. The small size of the parcel limits the functional plan for the property.

Paul Allaire 6161 Salt Road

Applicant is seeking approval to clear and clean up the wooded areas of the parcel. The proposed site is located on the east side of Salt Road, north of the Peanut Line on existing residentially developed area located on 35+ acres in the Agriculture Rural Residential Zone. Per the Landscape and Tree Preservation Law and the Clearing, Filling and Grading Local Law, the Town Board has authority to authorize tree removal and lot clearing. A forest management plan is required.

Domenic Piestrak/Spaulding Greens Open Space Design Subdivision

Applicant is seeking approval for a 380 unit open space design subdivision on 417+/- acres. The proposed site is located on the east side of Goodrich Road north of Greiner Road on existing vacant land within the Residential Zone. This project is a supplement to the Clarence Hollow Pollution Abatement Project and a Final Findings Statement has been approved on the 380 unit Open Space Design subdivision. A public hearing with proper notification is required prior to making a final determination. Supervisor Bylewski received a letter from Barbara Cordaro 5275 Green Valley Drive regarding the proposed street extension. A petition from the residents on Green Valley Drive voicing their concerns with the proposed street extension has been filed with the Town Clerk. The proposed Green Valley Drive road extension will take place during the final stage of development.

Between TEQR Committee and the Planning Board there have been 33 meetings on this particular project. Because this is one of the biggest residential projects to come before this Town Board since Waterford Village, Supervisor Bylewski asked the Board to look at the file and review the minutes to acquaint themselves with the various issues.

Town Engineer Latona stated that this particular project is not in a sewer district, a sewer district will have to be created for this. The exact boundaries have not been established, they are for consideration. As part of the Heise-Brookhaven Trunk Line, there are a certain number of taps that are dedicated to this project. The question is what mechanism is used to bill for the taps. The Health Department wants to see it as a sewer district utilizing the taps. Town Engineer Latona stated that beyond that, there is excess capacity that the town has the right to and if we want to look at controlling growth, the sewer district boundaries are important. With the boundaries, we can run sewers down Greiner to Kraus Road. The entire district would be a "no charge district" - to form it, when sewers go in, those benefited by sewers will be charged for operation and maintenance. There would not be an assessed value or frontage component to it, the developer is paying for the sewers. This proposed development was part of the Heise-Brookhaven first approval. There are 500 lots at Waterford and another 500 generic lots east of Goodrich Road. This was a generic environmental statement because the details as shown this evening were not met. The Waterford Development was a completed environmental statement. The Spaulding Green Development project will be comprised of 380 units; the developer has purchased from Heise-Brookhaven the rights to 350 taps. The difference between the 380 goes into Sewer District #2 not Heise-Brookhaven. Under the environmental review, there were 500 taps allocated east of Goodrich and any increase on either side would have to reopen the entire Environmental Impact Statement.

Greg Ribbeck 5750 Shimerville Road

Applicant is proposing to construct a pond on existing vacant land consisting of 77+ acres. The proposed site is located on the west side of Shimerville Road,

north of Roll Road in a residential area. Per the Excavation Law, the Town Board has authority to approve pond permits. Engineering approval will be required on the design. All setbacks as required by law are met.

Tommaso Bratico 4125 Transit Road

Applicant is seeking architectural approval and a building permit for a second floor addition to the existing building footprint. The applicant intends to maintain a retail usage on the first floor and proposes professional office space within the additional second floor. The proposed site is located on the east side of Transit Road, north of Wehrle Drive in a Major Arterial classification. The applicant has proposed a site plan which eliminates an existing curb cut and leaves one point of ingress and egress onto Transit Road as well as shared access with the Toys R Us location to the south to promote logical access management. Upon recommendation of the NYS DOT, one curb cut will be eliminated.

Dave Wylier – Cosal Development 8625 Transit Road

Applicant is seeking architectural approval and a building permit for an additional office building within the existing development. The existing professional office development is located on 1.5 acres in the Major Arterial Zone on the east side of Transit Road, south of Tonawanda Creek Road. A front yard setback variance is required for the project as proposed. The applicant has previously applied for a variance with the Zoning Board of Appeals and has been granted a variance for the setback as designed.

Supervisor Scott Bylewski

Supervisor Bylewski reminded the Town Board that he will be at Camp Smith next week. Deputy Supervisor Patrick Casilio will be filling in.

Supervisor Bylewski thanked everyone that was involved with Day in the Park. He has received several congratulatory cards and letters on such a great event.

Effective June 30th, the Justice Court office hours will remain 8:30 AM – 4:30 PM however; the window hours will be 9:00 AM – 4:00 PM.

Supervisor Bylewski received the sales tax check from the County in the amount of \$725,238.99.

Supervisor Bylewski announced that the town will be going out for additional borrowing this year by way of a BAN to pay off a number of existing items.

Court Clerk Mary Zimmerman is requesting Town Board approval to attend the 2008 Annual Fall Conference for the NYS Association of Magistrates Court Clerks from September 21 – 24, 2008 in Niagara Falls, NY.

Supervisor Bylewski has three items to discuss in Executive Session.

Councilman Joseph Weiss

The Youth Board revised its by-laws January 2008 to alter the terms of student members. Student members one year term will run from July 1 through June 30th. Effective June 30, 2008 the following student terms will expire: Kelsey Anderson, Julia Foy, Katelynn Hein and Craig Levan. Councilman Weiss congratulated these students for their work on the Youth Board.

Councilman received information from a company that will pick up old appliances and hot water tanks etc. The company is currently contracting with several towns to provide this service. The company deals directly with the consumer however; the town would receive \$1 for every piece they picked up. Councilman Weiss will review this further.

Councilman Weiss met with several firemen. He prepared for his meeting by visiting several Buffalo fire houses. The most informative department was on Fillmore Avenue where their territory extends from the city line at Pine Hill to Elmwood Avenue to Main Street, they have one fire truck, sometimes they have two. Councilman Weiss commented that a County Commissioner had indicated to him that if we went county-wide and consolidated, they wouldn't know what to do with all of the extra equipment that all the suburban volunteers have. He

indicated that they were way over equipped. Councilman Weiss pet-peeve is the fire chief's vehicles. The fire department indicated at the last meeting that they needed the fire chief's vehicles because they carry the defibrillators. Councilman Weiss feels that the fire halls are over-built and over equipped. There is no comparison to the amount of work and the amount of equipment the City of Buffalo has compared to our local fire departments. Councilman Weiss will not be voting for any increase in fire department budgets until they abolish the fire chief's vehicle. Councilman Weiss stated that the volunteer firemen do a great job, but management is way overboard.

Councilman Weiss has received several calls regarding the proposed garbage district, most in favor of one hauler. Highway Superintendent Ted Donner is in favor of the formation of a garbage district especially with the cost of blacktop and the cost to replace storm receivers. Supervisor Bylewski stated that he has received several calls complaining that the public hearing for the proposed garbage district is on the same night that the BPO is performing at the Clarence Town Park.

Councilman Weiss thanked everyone involved with Day in the Park especially parks employee Paul Allen. Chuck Eckert did a tremendous job.

Councilman Bernard Kolber

Councilman Kolber has scheduled a resident's public forum for September 29, 2008 at 7:00 P.M. The public can speak on any topic.

Councilman Kolber stated that Town Engineer Latona is putting together a proposal for solar powered panels for Town Hall. Funding is quickly running out.

Town Engineer Latona received a proposal from a local engineering firm just to write the bid specs. They would do an analysis to confirm the size of the solar system that the town would require; they would design the system, bid it out and over see construction. He received a quote today of \$10,000. The NYSERDA money is only available once you bid the project and have a contract contingent on the NYSERDA money. We have a ways to go before we can apply for NYSERDA money. Town Engineer Latona will get another price so this can be bid out.

Councilman Patrick Casilio

Councilman Casilio is working with Pam Smith on scheduling budget meetings with the various fire companies for early August. Swormville and East Amherst VFC have three year contracts with the town however; they should be included in the budget meetings because by the terms in their contracts they are to provide certain documents to the town on an annual basis. Other than Rapids VFC, no one else has submitted their annual audited financial reports.

Councilman Casilio is also working a scheduling meeting dates with the unions.

There was an unauthorized beer party that took place at the Nature Center that involved 30 – 40 kids during graduation weekend. The State Police and EC Sheriff's Department have requested a key to the gate off Sheridan Drive.

The Parks Department is moving forward with the underground wiring to repair the street lights that were damaged during the October storm in the Harris Hill area. Jim Schlabach has done a great job following thru with this. The residents are pleased that the lights are being restored and the wiring is underground. NYSEG did approximately 300' of underground repair on Oakwood concerning sidewalk related problems.

Now that the merger has been done between the two hospitals, bigger is not necessarily better. The other night Millard Suburban Hospital besides having their 31 rooms filled up, had eight patients on stretchers waiting to get a room. They have opened up all the emergency rooms but not hired any new nurses or personnel to handle that. Councilman Weiss suggested Councilman Casilio write a letter to the hospital indicating that the Town is not happy with their emergency services.

Traffic Safety Committee has received requests for stop signs. The Highway Superintendent is reviewing the speed limit signs for Strickler Road with Erie County.

Councilman Casilio has a resolution setting a bid date for the water storage tank on Goodrich Road.

Councilman Casilio has several Attorney-Client items to discuss in Executive Session.

Councilman Peter DiCostanzo

Brad Packard has fulfilled his probationary requirements and it is recommended that his status be full time permanent effective July 7, 2008 at the budgeted rate of pay.

Councilman DiCostanzo referenced the minutes of July 2, 2008 relative to an article in the Buffalo News regarding public employees and take home cars. Director of Administration and Finance Pam Smith stated that we have approximately six employees that take home town owned vehicles and the people that do use the cars for personal use get charged for using them personally. Supervisor Bylewski stated that there are a number of cars that are authorized to be taken home that are not taken home. Overall the reason why the Town of Clarence was not listed in the Buffalo News article was because there is no abuse of the policy.

The Clarence Hollow Craftsmen would like to design a Christmas ornament using a rendering of the log cabin. The ornaments will be sold and the craftsmen are hoping to profit from this. It was noted that the Historical Society sell note cards with a rendering of the Historical Museum on them.

Councilman DiCostanzo will set a public hearing to consider architectural design standards.

Town Assessor Christine Fusco filed the final tax roll on July 1. She is currently finalizing all the paperwork for the state and the school districts. She will be meeting with GAR Associates to put a final report together for the Town Board and set up a presentation for a future Town Board meeting sometime in August.

Town Engineer Latona stated that there are several leaks in the Historical Museum roof. Councilman Kolber stated that the Meeting House Board is to be included in any discussions regarding town historic buildings. Parks Crew Chief John Burns met with a roofer and is awaiting his report. The leaks are connected to the humidity and the environment in the building. There are also sags in the roof. Town Engineer Latona stated that he is not sure what the cause is, it could be a humidity issue or the rafters could be drying out. Mr. Latona is not sure the rafters could hold a new decking not to mention the impact on the historic significance of the building.

At the July 2, 2008 Work Session, Councilman Kolber presented copies of maps of the Gypsum Mines. Councilman DiCostanzo presented a set of the maps to the Historical Society however, they were copies. If they could get the original maps, they would be most appreciative. Councilman Kolber will check with the engineer that donated the copies.

The Historical Society is once again requesting internet access for the Historical Museum. Councilman Kolber will check the Time Warner agreement to see if there is a cable drop at the museum.

The Historical Society has concerns with the time it is taking to get the display case built in the Clubhouse. The Historical Society would like to know when the Rolf's Clock will be moved and who will move it.

In reviewing the bills, Councilman DiCostanzo noted that it cost \$56,000 to repave several town roads.

Councilman DiCostanzo questioned why the Parks Department purchases mulch when we can get it for free from the Highway Department. Councilman Kolber stated that the Park's Department purchases premier mulch for some of the highly visible flowerbeds and the town mulch get used in other areas.

There was a discussion regarding the stone wall for the arboretum. Supervisor Bylewski received an estimate from the Arboretum Design Review Committee. The Town Board is in favor of the stone wall.

Town Engineer Latona stated that the leak in the pond has been repaired.

Town Attorney Steven Bengart

Town Attorney Bengart has been approached by both Alicia Braaten and Doug Kohler regarding the 2nd Continental Artillery request to camp out at the Main Street Park during Heritage Days on July 25 and 26th. Town Attorney Bengart felt that by approving this, the Board would be setting a precedent for other groups wanting to camp out in the parks. The Town Board was of the opinion that this will be a one time event in conjunction with the bicentennial festivities scheduled for that weekend.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to enter into Executive Session pursuant to § 105 (1) F of the Open Meetings Law to discuss the employment history of an individual, employment history of a corporation, matters leading to the discipline of a particular person; § 105(1)H the proposed purchase of real property. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 7:18 P.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 7:40 P.M. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held Wednesday, July 9, 2008 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:45 P.M. Pledge to the flag was led by Councilman Patrick Casilio, followed by a prayer given by Rev. Dr. Bette Davis Wehle of St. Stephen's United Church of Christ.

Members of the Town Board present were Councilmembers Joseph Weiss, Bernard Kolber, Patrick Casilio, Peter DiCostanzo and Supervisor Bylewski. Other Town officials present were Town Planner Brad Packard, Town Attorney Steven Bengart, Building Inspector David Metzger and Planning Board Chairman Gerald Drinkard.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the joint meeting with the Planning Board held April 30, 2008 as received. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held June 23, 2008 as received. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski announced that, at the July 2, 2008 morning work session, the Town Board passed a resolution authorizing Donald Gallo, Consulting Engineer, P.C., to prepare the Ransom Road Sanitary Sewer Extension Feasibility Study at a fee of \$5,750 per his proposal dated June 26, 2008.

Supervisor Bylewski thanked everyone who volunteered to work and those who attended the Day in the Park event last weekend. He thanked Chuck Eckert and his committee for the fine job they did. It was probably one of the best we have had. We have received letters from a few of the organizations involved praising the event.

Supervisor Bylewski announced that the Town Court has new window hours from 9:00 a.m. to 4:00 p.m. effective June 30th. The office hours remain from 8:30 a.m. to 4:30 p.m.

Supervisor Bylewski said we received the quarterly check from Erie County for the sales tax distribution in the amount of \$725,238.99.

Motion by Supervisor Bylewski, seconded by Councilman Kolber that upon recommendation by Town Justice Michael Powers, Court Clerk Mary Zimmerman it granted permission to attend the 2008 NYS Association of Magistrate Court Clerks Annual Fall Conference to be held September 21 – 24, 2008 in Niagara Falls with registration fee of \$25 and all necessary expenses. On the question, Supervisor Bylewski said court will be cancelled on that Tuesday, as both court clerks will be attending. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss thanked Chuck Eckert and the committee for a great Day in the Park event. He also thanked John Burns and his department for all their help before and after the event. There were new things added this year. It is nice that Chuck changes things so that it is not always the same. The not-for-profit groups raised a good bit of money for their endeavors. A special thank you goes out to Walter Banko and the American Legion for their hard work. They sold out their fried dough.

Motion by Councilman Weiss, seconded by Councilman Kolber that according to the revised By-Laws of the Youth Board, the following student terms have expired effective June 30, 2008: Kelsey Anderson, Julia Foy, Katelynn Hein and Craig Levan. On the question, Councilman Weiss said the one year terms will now run from July 1 through June 30th to coincide with the school year. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said we received information from a company who would pick up white goods from residential properties billing them directly. He will be attending the NEST meeting to find out more about it. He will report on it at a later date to see if we want to work it into our program.

Councilman Weiss said he had a very brief meeting with the fire chiefs. It is his contention that our use of the chief cars is an unneeded expense. He went for a visit to some Buffalo Fire Departments and in some cases they had only one or two trucks to cover a greater number of fires. He believes that we spend more on maintenance than actually fighting fires. We need to look at our costs. The firemen do an excellent job, but we have to look at it from a financial aspect. He will not vote for any increase in fire company budgets until the chief cars are eliminated. They are driven everywhere. He understands that they have defibrillators in them, but it does not help when they are 30 miles away.

Councilman Weiss said we will be holding a public hearing at the next meeting to consider a garbage district. The reasons we are looking at this are high cost road maintenance, drainage, increased traffic and rising fuel costs. We would like to get ahead of it and keep some money in our resident's pockets. Many of the people who did not vote at the previously held referendum thought it was going to pass. Those who voted against it were relying on incorrect information that was passed around. He would like to pass this and then refine our bid specs to incorporate senior discounts, homeowner's association rates, etc.

Councilman Weiss said the State of Utah is going to four day workweeks to save on gas. We will be discussing this with department heads.

Councilman Kolber said his annual resident's forum will be held on August 25th at 7:00 p.m. to give residents the opportunity to discuss any subject or concern they may have about the Town.

Councilman Kolber said he respects Councilman Weiss' opinions about the fire companies. However, he does not share them. He understands the amount of hours they put in on 200+ calls per year and training. It is a tremendous value for our citizens. The chief vehicles are usually the first on a scene. They are on call 24 hours per day.

Councilman Casilio said the Town Board will be meeting with the fire companies in August to discuss the budget requests. Some have entered into 3-year contracts and we will make sure the paperwork is filed.

Councilman Casilio said as stated at the entrances, the parks close at 11:00 p.m. and the bike paths at dusk. Parks Security has had problems with people in these areas after hours. The patrols will be adjusted and anyone caught after hours will be ticketed.

Councilman Casilio said we have chosen a video camera provider for our bike path system and the Town Attorney is working at finalizing a contract.

Councilman Casilio said easement letters have been sent to residents in Harris Hill to allow the Town to install underground wiring in order to repair the street lights that were damaged.

Councilman Casilio said he has had complaints recently about emergency room services. Most people here go to Millard Suburban and they had eight people on stretchers waiting for an emergency room bed. Twin City Ambulance is given an expected response time for their contracted services. It would be difficult to achieve with eight ambulances tied up at a hospital.

Councilman Casilio said the Traffic Safety Committee has received requests for stop signs, speed reductions and the raising of speed limits. These requests were forwarded to the Highway Superintendent for his review.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Bid Date of August 15, 2008 at 10:00 a.m. for the Demolition of the Goodrich Road 1M Gallon Water Storage Tank and Piping. On the question, Councilman Casilio said this tank has been sitting unused for years. The demolition will greatly improve the vista as you drive into Clarence Center. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio thanked Chuck Eckert, the Day in the Park Committee and John Burns for a great job. It was a remarkable event.

Councilman DiCostanzo added his thanks to Chuck Eckert and everyone who helped out including Paul Allen. It was a great event.

Councilman DiCostanzo said if you do not have a pool in your backyard, the Town Pool is a great place to go.

Another interesting place is the museum. There are all kinds of things to look at there. There is plenty to do with your children in this Town.

Councilman DiCostanzo thanked Jerry Drinkard for the great job he is doing for the Planning Board. He is always busy attending meetings, visiting job sites, doing his research, etc.

Councilman DiCostanzo thanked the Harris Hill Fire Company and Twin City for their response to his home for his son who broke his leg. They were quick to respond and he appreciates their help.

Councilman DiCostanzo said Town Assessor Christine Fusco is working on finishing up the assessment roll. She is tentatively scheduled to come to the second meeting in August to do a presentation. If anyone has any questions, they should come to the meeting.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to adopt the following resolution:

RESOLVED, that Scott Bylewski, as Supervisor for the Town of Clarence, is hereby authorized and directed to file an application for funds from the Certified Local Government Grant Program in an amount not to exceed \$6,000 and upon approval of said request to enter into and execute a project agreement with the Certified Local Government Grant Program for such financial assistance to this Town of Clarence to develop brochures advertising local Historic Preservation efforts in the Town of Clarence. The local match requirement will be developed through in-kind and volunteer participation from Town Staff as well as Historic Preservation Commission members.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to grant permission to the Heritage Days Committee to have members of the 2nd Continental Artillery from Albany, NY participate in Heritage Days on July 25th, 26th and 27th which will include several firings of an historic cannon and to allow the members of the 2nd Continental Artillery to set up tents to camp in the Main Town Park on the 25th and the 26th to safeguard the cannon. A certificate of insurance will be provided to the Town naming the Town as additional insured. No outside fires or cooking except in the designated grilling areas in the Town Park, and subject to all the rules and regulations of the Clarence Town Parks being followed.

On the question, Supervisor Bylewski said this permission is being granted because of the Bicentennial events being held this year to celebrate our 200 years as a town. It in no way is to set precedence.

Town Attorney Bengart said the motion should include that this group must follow park rules.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to set a Public Hearing for August 13, 2008 at 7:45 p.m. to consider a Local Law amending the Code of the Town of Clarence, Chapter 229 Zoning related to architectural design standards in the Commercial and Restricted Business Zones. Upon roll call – Ayes; All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio that upon recommendation by Director of Community Development James Callahan, Brad Packard, Junior Planner be given full time permanent status effective July 7, 2008 at the budgeted rate of pay. Brad has fulfilled his probationary requirements. On the question, Councilman Kolber said he has done a phenomenal job since he came onboard. Councilman Weiss said he is wise beyond his years. Supervisor Bylewski said everyone has been very pleased with the job he has been doing. Mr. Packard thanked everyone for the opportunity. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss wanted to thank Father Yetter for putting the statue of the Virgin Mary in the window to make sure it would not rain for Day in the Park. We may be calling on his services again next year.

Town Clerk Nancy Metzger stated for the record that a petition was received from residents of Green Valley Drive, Ashwood Court and Mayfield Court opposed to any extension of Green Valley Drive to the proposed Spaulding Greens Subdivision.

Supervisor Bylewski added that the Spaulding Greens Subdivision is on the agenda for the next meeting on July 23rd.

Supervisor Bylewski thanked all department heads present for attending.

A Public Hearing was held to consider an amendment to the Code of the Town of Clarence, Chapter 229 Zoning, detailing provisions for reviewing and approving incentive Lot Subdivision Designs as a part of the Open Space Design Overlay. Brad Packard said the proposed amendments deal with the Open Space Design Overlay Section of the Zoning Law. The amendments detail the requirements when designing an incentive lot subdivision as a part of the open space design section. Changes were made in an effort to more clearly state the provisions, delineations and regulations required for an incentive lot subdivision.

With no one speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Weiss to close the Public Hearing. On the question, Supervisor Bylewski said this is looking at the incentive lot subdivision design as part of the overview of the open space design to have the language for each to mirror each other based on the recommendations that have come forward from various departmental reviews. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to adopt the following resolution:

Resolved, that the Clarence Town Board, after a public hearing duly held on July 9, 2008 and after all interested parties having been heard, adopts Local Law No. 1 of the year 2008 amending the Code of the Town of Clarence, Chapter 229, Zoning – sections 229-49 and 229-108. This local law shall become effective upon filing with the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule.

Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider the designation of 6020 Goodrich Road as an historical structure under the Town of Clarence Historic Preservation Law. Brad Packard said the location is the west side of Goodrich Road, north of Clarence Center Road consisting of an existing single family residential home in the Traditional Neighborhood District. The architectural styling of this home is Victorian stick formerly known as “The Birch Lawn Home” making it an excellent candidate for designation. A recommendation was received from the Historic Preservation Commission.

Henry Brodowski, Chairman of the Historic Preservation Commission said the law was passed August 1, 2007. They recently received certification from the Department of the Interior making the Town of Clarence a certified local community. It also makes us part of the national historical community.

Mr. Brodowski said we designated one landmark, the “Brace House” on Main Street constructed about 1800.

The house we are looking to designate tonight was built for Andrew Eshelman in 1885 and is currently owned by Mr. and Mrs. Pickering. The age and architecture make it a worthy landmark for historic preservation. The Historic Preservation Commission held a public hearing on June 2nd and all were positive. They ask that the Town Board vote in favor of this designation.

Supervisor Bylewski said Mr. and Mrs. Pickering are here this evening and both are in favor of this designation.

With no one else speaking to the subject, motion was made by Councilman Kolber, seconded by Councilman DiCostanzo to close the Public Hearing. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to adopt the following resolution:

WHEREAS, the property located at 6020 Goodrich Road and locally known as “The Birch Lawn Home” has been the subject of an Intensive Level Survey as prepared by Clinton Brown Company Architecture, PC; and

WHEREAS, the property at 6020 Goodrich Road has been identified to have historic value, association with Historic Personages and contains significant Historic value through its architectural style and method of construction; and

WHEREAS, the Town of Clarence Historic Preservation Commission has unanimously forwarded a recommendation to officially designate the home located at 6020 Goodrich Road as an Historic Landmark within the Town of Clarence; and

WHEREAS, the Clarence Town Board has held a duly advertised public hearing on the proposed designation per the Town of Clarence Town Board notification policy; and

WHEREAS, the present homeowners, Joanna and Chapin Pickering have applied for and request this official designation.

NOW THEREFORE BE IT

RESOLVED, that the Clarence Town Board approves the designation of 6020 Goodrich Road, known as “The Birch Lawn Home” as a local Historic Landmark per the Town of Clarence Historic Preservation Local Law; and be it further

RESOLVED, that the affected site be designated on the Official Zoning Map of the Town of Clarence filed for recording in the Office of the Erie County Clerk.

On the question, Councilman Kolber said this is one of the best properties in Clarence for this designation.

Councilman Weiss said Mr. and Mrs. Pickering should be congratulated for submitting their home for this designation.

Supervisor Bylewski said this is the second home that a motion has been made to designate and in each case, the properties were brought forth by the property owners. It is not something that is being forced on anyone. These property owners both have a sense of pride for the Town and for preserving the history of the Town. He thanked them and the Commission for their work.

Councilman DiCostanzo said the Commission has had discussion about a plaque or some type of marker to signify the designation.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Scheff Investments request a Building Permit and Architectural Approval for update to the existing façade at 9505 Main Street.

Councilman Casilio said he has a business relationship with the applicant, so he will recuse himself from any discussion and vote.

Brad Packard said the location is the south side of Main Street, west of Gunnville Road in the Commercial Zone.

Steve Carmina, architect, Allen Scheff and Peter Casilio were present. Mr. Carmina said they purchased the building and would like to use as much of the infrastructure as possible, but revive the building and change the image. The owner likes the art-deco look as depicted by the rendering presented. There will be minor site changes to the entrances, plantings and greenspace.

Councilman Kolber said it looks great. The objective of the Town Board is to revitalize Main Street and this goes a long way to help that effort.

Councilman Weiss said he thinks it is very striking and he likes it a lot.

Supervisor Bylewski said it is a great improvement for Main Street.

Councilman DiCostanzo said it would look better with a stone wall. Supervisor Bylewski advised that they try to add an element of that to the project. Mr. Carmina said maybe they could add something to the entrances.

Motion by Councilman Kolber, seconded by Councilman Weiss to grant a Building Permit and Architectural Approval for update to the existing façade at 9505 Main Street. Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Motion carried.

Marita Haas requests Minor Subdivision Approval to create three new residential building lots in the Traditional Neighborhood District at 8100 Stahley Road. Brad Packard said the location is the east side of Stahley Road, north of County Road consisting of an existing single-family residence on 7+ acres in the Traditional Neighborhood District.

Denise Brown said her mother is in the process of selling her house and would like to divide the large piece into three separate lots. They have no plan for a larger piece fronting on County.

Supervisor Bylewski said any additional splits of any of the lots would require a major subdivision review.

Ms. Brown said the property is listed and if someone came along to buy the whole piece, then it would be a separate issue.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law, the Clarence Town Board issues a Negative Declaration on the proposed Marita Haas Minor Subdivision creating three additional residential building lots at 8100 Stahley Road north of County Road. After thorough review of the submitted survey and Environmental Assessment Form (EAF) by the Town Board, it is determined that the proposed action is consistent with the adopted Master Plan 2015 and will not have a significant impact upon the environment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to adopt the following resolution:

Resolved, that the Clarence Town Board grants Minor Subdivision approval for three additional residential building lots to the applicant, Marita Haas for the property located on the east side of Stahley Road, north of County Road, subject to the following: 1. Open space and recreation fees.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Ken Loewer requests a Building Permit and Architectural Approval for an addition to existing structure in the Industrial Business Park Zone at 9700 County Road. Brad Packard said the location is the north side of County Road, east of Goodrich Road in the Industrial Business Park Zone. The applicant is proposing a small addition to the rear of the existing steel building for his paving company.

Ken Loewer said he would like to add a 24' x 60' addition to get his equipment inside and out of sight. It will match the existing building. He has a berm with 18 pine trees at the rear and a fence along the side to block the view from the neighbors.

Motion by Councilman Kolber, seconded by Councilman Casilio to grant a Building Permit and Architectural Approval to Ken Loewer for an addition to the existing structure in the Industrial Business Park Zone at 9700 County Road, subject to all the appropriate fees. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to set a Public Hearing for August 13, 2008 at 7:50 P.M. to consider renewal of Excavation Permits for the following: A. Buffalo Crushed Stone; B. Emeritus Holdings; C. 10001 Grand Corporation; and D. Lakeside Sod. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Supervisor Bylewski to grant approval for the following: Clubhouse Applications - A. Clarence Heritage Day's Committee – June 10, 17; July 1, 15, 22, 24 – 27, 2008; B. Clarence Holiday Valley Ski Club – Sept. 21, 2008; C. Girl Scout Troop 886 – 3rd Tuesday each month 2009; D. Clarence Track – June 9, 2009; E. American Legion Post – May 25; Nov. 11; Dec. 9, 2009; Legion Hall Applications - A. Clarence Mustangs Hockey – Monthly meetings July – Dec. 2008; Jan. – April 2009; B. Rita Powell – Aug. 10, 2008; C. Clarence Soccer Club – Sept. 20, 2008; D. American Legion Post – 4th Monday & 2nd Wednesday each month; May 25; June 13 & 14, 2009; E. Clarence Little League Football – Monthly meetings 2009; F. Roselle LaBruna – March 21, 2009. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of July 10, 2008 are approved for payment: General Fund - \$183,875.35; Highway Fund - \$110,510.97; Water District - \$35,387.47; Central Alarm - \$211,261.57; Fire District - \$2,732.38; Drainage District - \$1,065.90; Sewer Districts - \$243.21; Capital Fund - \$9,742.50; and Trust & Agency 203 - \$340.00 for a total amount of \$555,159.35. On the question, Councilman DiCostanzo said we were talking earlier about road costs. There is a bill in here for \$56,000 for asphalt. So when roads are falling apart, it is going to cost a lot of money. Councilman Weiss said that is why we need a garbage district to eliminate some of these trucks. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:44 P.M.

Nancy C. Metzger, Town Clerk